

COPY

BILL LOCKYER
Attorney General
J. MATTHEW RODRIQUEZ
Senior Assistant Attorney General
PATRICIA SHEEHAN PETERSON
Deputy Attorney General
State Bar No. 067122
1515 Clay Street, Suite 2000
Oakland, CA 94612
Telephone: (510) 622-2152
Fax: (510) 622-2170
Attorneys for Respondent State Coastal Conservancy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LA COSTA BEACH HOMEOWNERS'
ASSOCIATION, et al.,

Petitioners,

v.

CALIFORNIA STATE COASTAL
CONSERVANCY,

Respondent,

GAMMA FAMILY TRUST, BROAD REVOCABLE
TRUST and NANCY M. DALY LIVING TRUST,

Real Parties-in-Interest.

Case No.: BS063275

NOTICE OF ORDERS RE
DEMURRER AND MOTION TO
STRIKE OF RESPONDENT
CALIFORNIA COASTAL
COMMISSION

NOTICE IS GIVEN that the Court filed on October 16, 2000 the attached (1) Order Re
Demurrer of Respondent California State Coastal Conservancy to Petition for Writ of Mandate
and Injunctive Relief and (2) Order Overruling Motion of Respondent California State Coastal

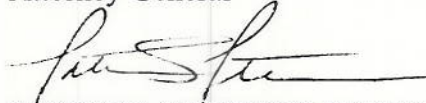
//

//

1 Conservancy to Strike Petition for Writ of Mandate and Injunctive Relief.

2 Dated: October 19, 2000

BILL LOCKYER
Attorney General



PATRICIA SHEEHAN PETERSON
Deputy Attorney General
Attorneys for Respondent State Coastal Conservancy

1 BILL LOCKYER
Attorney General
2 J. MATTHEW RODRIQUEZ
Senior Assistant Attorney General
3 PATRICIA SHEEHAN PETERSON
Deputy Attorney General
4 State Bar No. 067122
1515 Clay Street, Suite 2000
5 Oakland, CA 94612
Telephone: (510) 622-2152
6 Fax: (510) 622-2170
Attorneys for Respondent State Coastal Conservancy
7
8
9

ORIGINAL FILED

OCT 16 2000

LOS ANGELES
SUPERIOR COURT

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
12

13 LA COSTA BEACH HOMEOWNERS'
ASSOCIATION, et al.,

Petitioners,

15 v.

16 CALIFORNIA STATE COASTAL
17 CONSERVANCY,

18 Respondent,
19

20 GAMMA FAMILY TRUST, BROAD REVOCABLE
TRUST and NANCY M. DALY LIVING TRUST,

21 Real Parties-in-Interest.
22

Case No.: BS063275

ORDER RE DEMURRER OF
RESPONDENT CALIFORNIA
STATE COASTAL
CONSERVANCY TO PETITION
FOR WRIT OF MANDATE AND
INJUNCTIVE RELIEF

23 The Demurrer of Respondent California State Coastal Conservancy to the First, Third and
24 Fourth Causes of Action of the Petition for Writ of Mandate and Injunctive Relief filed by
25 Petitioners La Costa Beach Homeowners' Association, Richard Ziman, Daphna Ziman, Art
26 Zoloth, Helen Zoloth, Freddie Fields, Corinna Fields, Peg Yorkin, Budge Offer, Jerry Monkarsh,
27 Virginia Mancini, Ryan O'Neal, Aaron Spelling, Candy Spelling, Nancy Hayes and Lou Adler
28 came on regularly for hearing in Department 85 of this Court on October 5, 2000. Clare

1.

ORDER RE DEMURRER

1 Bronowski, Esq., of Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP appeared as
2 counsel for Petitioners. Patricia Sheehan Peterson, Deputy Attorney General, appeared as
3 counsel for Respondents. The court, having read and considered the supporting and opposing
4 points and authorities and having heard and considered the arguments of counsel, and good cause
5 appearing therefor,

6 IT IS ORDERED that the demurrer to the First Cause of Action is overruled.

7 IT IS ORDERED that the demurrer is sustained without leave to amend as to the Third
8 Cause of Action on the ground that the petition does not state facts sufficient to constitute a cause
9 of action in that the Coastal Conservancy's acceptance of the offer to dedicate was exempt from
10 CEQA review.

11 IT IS ORDERED that the demurrer is sustained without leave to amend as to the Fourth
12 Cause of Action on the ground that the petition does not state facts sufficient to constitute a cause
13 of action in that injunctive relief was not available in conjunction with a mandate cause of action.

14 Dated: OCT 16 2000

DZINTRA I. JANAUS

DZINTRA I. JANAUS
Judge, Los Angeles County Superior Court

1 BILL LOCKYER
Attorney General
2 J. MATTHEW RODRIQUEZ
Senior Assistant Attorney General
3 PATRICIA SHEEHAN PETERSON
Deputy Attorney General
4 State Bar No. 067122
1515 Clay Street, Suite 2000
5 Oakland, CA 94612
Telephone: (510) 622-2152
6 Fax: (510) 622-2170
Attorneys for Respondent State Coastal Conservancy
7
8
9

ORIGINAL FILED

OCT 16 2000

LOS ANGELES
SUPERIOR COURT

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
12

13 LA COSTA BEACH HOMEOWNERS'
ASSOCIATION, et al.,

Petitioners,

15 v.

17 CALIFORNIA STATE COASTAL
CONSERVANCY,

Respondent,

20 GAMMA FAMILY TRUST, BROAD REVOCABLE
TRUST and NANCY M. DALY LIVING TRUST,

21 Real Parties-in-Interest.
22

Case No.: BS063275

ORDER OVERRULING MOTION
OF RESPONDENT CALIFORNIA
STATE COASTAL
CONSERVANCY TO STRIKE
PETITION FOR WRIT OF
MANDATE AND INJUNCTIVE
RELIEF

Date: 10/5/00
Time: 9:30 a.m.
Dept: 85

23 The motion of Respondent California State Coastal Conservancy for an order striking the
24 Petition for Writ of Mandate and Injunctive Relief in the above-named action came on regularly
25 for hearing in Department 85 of the Court on October 5, 2000. Clare Bronowski, Esq., of
26 Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP, appeared as counsel for
27 petitioners, and Patricia Sheehan Peterson, Deputy Attorney General, appearing as counsel for
28 respondent. The court having read and considered the supporting and opposing points and

1.

ORDER RE MOTION TO STRIKE

1 authorities and having heard and considered the arguments of counsel, and good cause appearing
2 therefor,

3 IT IS ORDERED that the motion is overruled.

4 Dated: OCT 16 2000

DZINTRA I. JANAUS

5
6 DZINTRA I. JANAUS
Judge, Los Angeles County Superior Court

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **LA COSTA BEACH HOMEOWNERS' ASSOCIATION, et al. v.
CALIFORNIA STATE COASTAL CONSERVANCY**

Case No.: Los Angeles County Superior Court No. BS063275

I declare:

I am employed in the County of Alameda, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 1515 Clay Street, Suite 2000, Oakland, CA 94612.

On October 19, 2000, I served the attached

**NOTICE OF ORDERS RE DEMURRER AND MOTION TO
STRIKE OF RESPONDENT CALIFORNIA COASTAL
COMMISSION**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

**CLARE BRONOWSKI, ESQ.
PATRICIA L. GLASER, ESQ.
DAVID J. ALTMAN, ESQ.
CHRISTENSEN, MILLER, FINK, JACOBS,
GLASER, WEIL & SHAPIRO, LLP
2121 Avenue of the Stars, 18th Floor
Los Angeles, CA 90067**

Attorneys for Petitioners

**ANDREW A. CUSHNIR, ESQ.
1999 Avenue of the Stars, 37th Floor
Los Angeles, CA 90067**

Attorney for Real Party Eli Broad

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 19, 2000, at Oakland, California.

FLORITA MAPALO

Typed Name

Florita Mapalo

Signature